

AMENDED IN ASSEMBLY JANUARY 11, 2012

AMENDED IN ASSEMBLY JANUARY 4, 2012

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1197

Introduced by Assembly Member Hill

February 18, 2011

An act to add Article 7 (commencing with Section 8295) to Chapter 7 of Division 4 of the Public Utilities Code, relating to ~~public utility employees~~ *whistleblower protection*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1197, as amended, Hill. ~~Public utility employees; whistleblowers.~~ *Whistleblower protection.*

Under existing law, the Public Utilities Commission has regulatory authority over public utilities. The California Constitution authorizes the commission to establish rules for all public utilities, subject to control by the Legislature.

This bill would require the commission to establish a comprehensive whistleblower protection program to protect public utility employees, *former employees, and third-party contractors and subcontractors* from ~~management~~ retaliation for bringing information to the commission or other public entities, as defined, regarding ~~unreported~~, *but not limited to*, safety issues.

Under existing law, a violation of any order, decision, rule, direction, demand, or requirement of the commission is a crime.

Because the bill would require the commission to adopt rules for the protection of whistleblowers and a violation of these rules would be a

crime, the bill would impose a state-mandated local program by creating a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 7 (commencing with Section 8295) is
2 added to Chapter 7 of Division 4 of the Public Utilities Code, to
3 read:

4
5 Article 7. Whistleblower Protection Program
6

7 8295. The commission shall establish a comprehensive
8 whistleblower protection program to protect public utility
9 employees, *former employees, and third-party contractors and*
10 *subcontractors* from—~~management~~ retaliation for bringing
11 information to the commission or other public entities regarding
12 ~~unreported, but not limited to~~, safety issues. For ~~these purposes~~
13 *purposes of this section*, “other public entities” includes the
14 whistleblower hotline maintained by the Attorney General pursuant
15 to Section 1102.7 of the Labor Code.

16 SEC. 2. No reimbursement is required by this act pursuant to
17 Section 6 of Article XIII B of the California Constitution because
18 the only costs that may be incurred by a local agency or school
19 district will be incurred because this act creates a new crime or
20 infraction, eliminates a crime or infraction, or changes the penalty
21 for a crime or infraction, within the meaning of Section 17556 of
22 the Government Code, or changes the definition of a crime within
23 the meaning of Section 6 of Article XIII B of the California
24 Constitution.

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